2019 Consultant & Construction Contractor Symposium

City of Austin



SMBR Compliance Review Objectives



Provide a general overview of SMBR



Pre-Award Compliance Activities

Provide Overview of Bidder/Proposer & Subs Pre-Award activities

We can help you be compliant!



Post Award Compliance Activities

Provide Overview of Bidder/Proposer & Subs Post Award activities

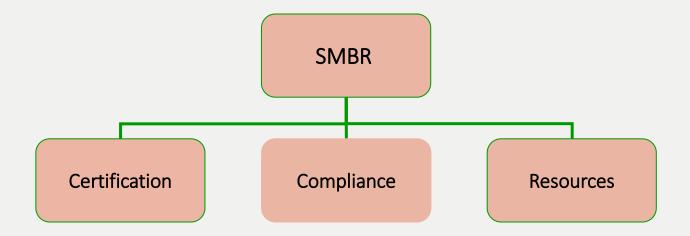
We can help you stay compliant!



Questions

Small & Minority Business Resources

- Administer the Minority- and Women-Owned Business (MBE/WBE)
 Enterprise Procurement Program; and
- Certifies businesses that meet eligibility criteria for the City's M/WBE Program and the Federal DBE/ACDBE Program.
- Provide development opportunities and resources for small businesses so that they can have affirmative access to city procurement opportunities and show productive growth.



What is the MBE/WBE Program?

- City's MBE/WBE Procurement Program established in 1987
- Establishes criteria for interested Bidders/Proposers to solicit participation of certified MBEs and WBEs to meet commitments throughout project completion
- Establishes guidelines for the use of certified MBEs, WBEs, and DBEs on COA contracts & (ACDBE/DBE program governed by 49 CFR Part 26 & Part 23)



City Code for 4 Procurement Areas:

- Construction 2-9A
- Professional Services 2-9B
- Non-Professional Services 2-9C
- Commodities 2-9D

Pre-Award Compliance



- Primes meet
 Solicitation Goals by
 using certified firms in
 specific scope of work
 or performs and submit
 GFE.
- Subs submit requested info to Primes timely and as requested.



MBE/WBE Compliance Plan

Ensure the following:

- Firm is certified by the City of Austin
- Firms are certified for specific commodity codes
- Only list on the Compliance Plan scopes of work for which the sub will perform on this contract.
- Certified Prime firms may count their own participation
- Every level of subcontractor participation may be counted toward the goals
- Dually certified firms can be counted as either MBE or WBE but not both
- Provide Dollar Values and or Percentages
- Complete the Good Faith Effort Checklist & Submit GFE

Appendix A

MBE/WBE COMPLIANCE PLAN

All applicable sections must be completed and submitted by the due date and time as indicated in the solicitation documents.

Section I — Project Identification and Goals				
Project Name				
Solicitation Number				

Project Goals or Subgoals				
Combined MBE/WBE	%			
MBE	%			
African American	%			
Hispanic	%			
Asian/Native American	%			
WBE	%			

Section II — Bidder Company Information

Address	
City, State Zip	
Phone	
Fax	E-Mail
Name of Contact Person	
Is your company registered on Vendor Connection?	Yes No If yes, provide Vendor Code If No, please note: All vendors; subcontractors and consultants must register with COA's Vendor Connect prior to award. See Link for registration information at https://www.ci.austin.tx.us/financeonline/finance/index.cfm
Is your company COA M/WBE certified?	Yes No If yes, please indicate: MBE WBE MBE/WBE Joint Venture
I certify that the information inc	luded in this MBE/WBE Compliance Plan is true and complete to the best
2	
of my knowledge and belief. I become a part of my contract wi	further understand and agree that this MBE/WBE Compliance Plan shall the City of Austin.
of my knowledge and belief. I become a part of my contract winner and Title of Authorized Representation	further understand and agree that this MBE/WBE Compliance Plan shall the City of Austin.
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of my knowledge and belief. I become a part of my contract with become a part of my contract with large and Title of Authorized Representations. Signature For City of Austin SMBR Use Only: I have reviewed this Compliance Plan and found Reviewing Counselor	further understand and agree that this MBE/WBE Compliance Plan shall the City of Austin. tive Date that the Bidder HAS HAS NOT complied as per the City Code Chapter 2-9.A through GFE.
of my knowledge and belief. I become a part of my contract with become a part of my contract with a signature. Name and Title of Authorized Representation of Signature. For City of Austin SMBR Use Only: I have reviewed this Compliance Plan and found Reviewing Counselor	further understand and agree that this MBE/WBE Compliance Plan shall the City of Austin. tive Date That the Bidder HAS HAS NOT complied as per the City Code Chapter 2-9.A through GFE. Date Date Date

2-9A Construction IDIQ MBE/WBE Compliance Plan Packet

Revised January 2017

The Compliance Plan

Section I Project Identification and Goals

This section includes the pre-printed Project Name, Project/Solicitation Number, and goals and/or subgoals. The Bidder does not need to fill in any information under Section I.

Section II Bidder Information

The Bidder should complete this section with your information.

The portion of Section II marked as "SMBR Use Only" should be left blank

The Compliance Plan

Please list all certified MBE/WBEs firms using the legal name under which they are registered to do business with the City of Austin and the commodity codes with descriptions.



By listing certified MBE and WBE Firms on the Compliance Plan, the Bidder indicates that both parties acknowledge the scope of work and that they are prepared to contract for that scope if the City awards the project to the Bidder.

NOTE:

To be counted toward project goals, MBE/WBEs must be certified by the City of Austin's SMBR Department prior to the due date to submit the Compliance Plan as specified in the City's solicitation documents.

Appendix A

Section IV — Disclosure of MBE and WBE Subcontractors (Dublicate as Needed)

Note:

- Fill in all the blanks (use "none" or "N/A" where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of MBE/WBE certified Firms as registered with City of Austin Vendor Connection.
- · Select either MBE or WBE for dually certified firms to indicate which certification will count towards the MBE or WBE goal.
- Contact SMBR to request an availability list of certified Firms for additional scopes of work that were not included on the original
 availability list.

Name of MBE/WBE Certified Firm			
City of Austin Certification Data	MBE	WBE	Gender/ Ethnicity:
Vendor Code			· · · · · · · · · · · · · · · · · · ·
Address/ City / State / Zip			
Contact Person & Phone #			
Fax & Email Address			
Commodity Codes			
Commodity Codes Descriptions			
	•		
Name of MBE/WBE Certified Firm			
City of Austin Certification Data	☐ MBE	WBE	Gender/Ethnicity:
Vendor Code			·
Address/City/State/Zip			
Contact Person & Phone #			
Fax & Email Address			
Commodity Codes			
Commodity Codes Descriptions			
Name of MBE/WBE Certified Firm			
City of Austin Certification Data	MBE	WBE	Gender/ Ethnicity:
Vendor Code			
Address/ City / State / Zip			
Contact Person & Phone #			
Fax & Email Address			
Commodity Codes			
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Name of MBE/WBE Certified Firm			
City of Austin Certification Data	MBE	WBE	Gender/ Ethnicity:
Vendor Code			
Address / City / State / Zip			
Contact Person & Phone #			
Fax & Email Address			
Commodity Codes			
Commodity Codes Descriptions			

Disclosure of Noncertified Firms

Please list all known non-certified subcontractors, using the legal name under which they are registered to do business with the City of Austin, to be used in the performance of this contract. If Bidder will not use any non-certified Firms, please write "N/A" in the first box on this page.

The scopes of work indicated in Section V will be considered subcontracting opportunities for MBEs and WBEs, unless it is demonstrated that certified MBEs or WBEs are unavailable or do not possess the requirements in the technical portion of the solicitation to perform the work involved.

If the Bidder did not meet the project goals, an explanation is required in the space provided as to why MBEs/WBEs were not used as subcontractors. Documentation for the stated reason, if applicable, must be attached. If the Bidder did meet the project goals, please indicate "Goals Met" in the space provided.

Appendix A

Section V — Disclosure of Non-Certified Subcontractors (Duplicate as Needed)

Note

- Fill in all the blanks (use "none" or "N/A" where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- · Fill in names of Second-Level Subcontractors as registered with the City of Austin

Are Goals Met? Yes No If no, state reason(s) below and attach documentation:

Name of Non-Certified Subcontractor	
Vendor Code	
Address / City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Reason Certified Firm not used	
Name of Non-Certified Subcontractor	
Vendor Code	
Address/City/State/Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Reason Certified Firm not used	
Name of Non-Certified Subcontractor	
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
First-Level Subcontractor	
Reason Certified Firm not used	
Name of Non-Certified Subcontractor	
Vendor Code	
Address / City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
First-Level Subcontractor	
Reason Certified Firm not used	

Appendix A

Section VIII - MBE/WBE Compliance Plan Check List

Is the stated project goal of the solicitation met?

Yes No

(If no, complete and submit Section VIII Compliance Plan Check List)

If the goals or subgoals were not achieved, all questions in Section VIII must be completed and Good Faith Efforts documentation must be submitted with the MBE/WBE Compliance Plan. The completion and submission of this form is not required if the above question is answered Yes.

Is the following documentation attached to support good faith effort requirements to achiev	re goals or s	ubgoals?
 Copy of written solicitation sent to MBE/WBEs in SLBP area 7 business days prior to the submission of this Compliance Plan 	Yes 🗌	No 🗌
Two separate methods of notices sent to MBE/WBEs in SLBP area Indicate notice types: fax transmittals emails phone log letters	Yes 🗌	No 🗌
Copy of advertisements placed in local publication	Yes 🗌	No 🗌
Copy of notices sent to Minority and Women organizations	Yes 🗌	No 🗌
Documentation that demonstrates additional GFEs: Efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or contractor Efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services Efforts made to reach agreements with the MBE/WBEs who responded to Bidder's written notice	Yes 🗌	No 🗆
Were additional elements of work identified to achieve the goals or subgoals? If yes, please explain:	Yes 🗌	No 🗌
Was SMBR contacted for assistance?	Yes	No
If yes, complete following:	_	_
Contact Person:		
Date of Contact:		
Summary of Request:		
Were Minority or Women organizations contacted for additional assistance?	Yes	No 🗌
If yes, complete following:		
Organization(s):	_	
Date of Contact:	_	
Summary of Request	_	

GFE Checklist

Please complete the MBE/WBE Compliance Plan Check Sheet with the information requested.

All questions in Section VIII must be completed and submitted with the Compliance Plan if goals or subgoals are not met.

- Solicitations must be sent to MBE/WBEs within the SLBP within seven (7) business days prior to bid due date.
- Local advertisement examples include but is not limited to local newspaper, local trade association publication, or via electronic/social media.
- Be sure to reach out and contact our local minority trade associations (Asian Contractor Assoc., Austin Area Black Contractors Assoc., & US Hispanic Contractors Assoc. de Austin)

Meeting GFE Requirements

Contact SMBR for assistance



- Notify Certified Firms using two separate verifiable methods seven business days prior to bid date (fax, e-mail, mail or phone call)
- Notices should contain project requirements, addenda, contact information and due dates for responding
- Follow up with interested MBE/WBE firms
- Negotiate in good faith with interested MBEs and WBEs
- Publish notice in a local publication (i.e. newspaper, trade association publication, or social/electronic media
- Seek services of trade associations and other minority and women community organizations
- Contact SMBR for assistance
- Select portions of work that will increase MBE/WBE opportunities

SMBR CAN HELP!

- Ask us questions on the process
- We can provide you an Availability List
- Step-by-step instructions on completing forms
- Verify certification status on firms
- We want your firm to be compliant!

You've Been Awarded a Contract, Now What?

Post Award Activities

- Pre-Construction (Pre-Con) Kick-Off Meeting
- Monthly/Weekly Progress Meetings
- Sub Utilization & Monthly (Subconsultant SUBk)
 Reports
- Sub-consultant Utilization Form (SUF)
- Request for Changes (RFC)
- Final MBE/WBE Closeout
- Violations

Sub Expenditure Report (SubK)

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Contractor Vendor ID:					Total Expended:		Contract No (CT# or MA#):		
City Project Manager:				-	rotal Capellaca.		Contract No (DO#- if applicable):		
SMBR Representative:				-			.l.P. ID # (eCapris Sub-project #):		
on Diffrepresentative.				-					
		MBE	. ΑΛ	MBE/WBE Projec Hisp	t Participation Native/Asian	VBE			DBE Project Participation DBE
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Subconsultant Utilization Form

- Form is included with proposal
- Review before Notice to Proceed (NTP) is issued
 - Subs are approved (through CP or RFC)
 - Subs are approved for SOW
- Include explanation if not meeting goals

NOTE: SUF's are only required for Professional Service Rotation List Contracts.

Subconsultant Uti	ilization Form						: Manage n tract Mana		
Rotation List Nan				ı		3	roject Mg	r:	
Project Name:					Assignr	nent#/P	.R #:	ł	
Date:	Submi	tted by:			Firm:				
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Request for Change Process Review

Form and backup submitted to Project Manager

Project Manager forwards to Contractor/Consultant

Project Manager reviews, signs & forwards to SMBR

SMBR Reviews and forwards approval to Project Manager & CCO.

Request for Change Form (RFC)

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Prime Contractor/Cons	ultant:	•			
Proposed Change:			-	1	
Subcontractor/Subcons	Defection]	
Name of Subconsultant	Substitution Contract Chang	ie			
Vendor Code:	Increase existin Decrease existir	g Subcontract		City of Austin Certified:	:
Contact Person:				Phone No.:	
Proposed Change (\$):				Change (%):	
Reason for Requesting	Change: (Attach su	upporting documentation as n	ecessary):		
Note: If the request is a	usubstitution, com	upporting documentation as no		space above and sub be	eing added below.
Note: If the request is a	usubstitution, com				
Note: If the request is a Subcontractor/Subconsi	usubstitution, com	plete information for the firm		space above and sub be City of Austin Certified:	
Note: If the request is a Subcontractor/Subconso Name of Subconsultant Vendor Code:	usubstitution, com	plete information for the firm		City of Austin Certified:	
Note: If the request is a Subcontractor/Subconso Name of Subconsultant Vendor Code: Contact Person:	ultant Level:	plete information for the firm		City of Austin Certified:	
Note: If the request is a Subcontractor/Subconsi Name of Subconsultant Vendor Code: Contact Person: Proposed Change (\$): Commodity Code & Brid	ultant Level: t/Subcontractor:	plete information for the firm	being removed in the	City of Austin Certified:	
Note: If the request is a Subcontractor/Subconso Name of Subconsultant Vendor Code: Contact Person: Proposed Change (\$): Commodity Code & Brid Reason for Requesting of	ultant Level: L'Subcontractor: ef Description of W Change: (Attach su	plete information for the firm Ethnic/Gender Code: fork:	being removed in the	City of Austin Certified: Phone No.: Change (%):	E
Note: If the request is a Subcontractor/Subconso Name of Subconsultant Vendor Code: Contact Person: Proposed Change (\$): Commodity Code & Brid Reason for Requesting of	ultant Level: L'Subcontractor: ef Description of W Change: (Attach su	plete information for the firm Ethnic/Gender Code:	being removed in the	City of Austin Certified: Phone No.: Change (%):	E
Note: If the request is a Subcontractor/Subconso Name of Subconsultant Vendor Code: Contact Person: Proposed Change (\$): Commodity Code & Brid Reason for Requesting of	ultant Level: L'Subcontractor: ef Description of W Change: (Attach su	Ethnic/Gender Code: Ork: upporting documentation as no particular to the properties of Company and the properties of Company	being removed in the	City of Austin Certified: Phone No.: Change (%):	E

Request for Change Form (RFC)

	** This section for C	ity of Austin use only **		
	re met, the SMBR Department Directo Manager should sign the form and sen	r's prior written approval is on file with id a copy directly to SMBR:	the Public Works and Purchasing	
Change is for an existing cer	tified subcontractor/subconsultant al	ready listed in the Compliance Plan.		
Change is within the existing	g scope being performed by the subco	ontractor/subconsultant.		
Change is an increase in the	contract amount for the subcontracto	or/subconsultant.		
Project Manager Printed Name		Good Faith Effort? (explain in Comments field)		•
Project Manager Signature		Date:		
Project Manager Comments:				
EDNA				_
Division Manager Signature		Date:		
Division Manager Comments:				
Department Director Signature		Date:		
Department Director Comments	:			_
STREET				
SMBR Representative Signature		Date:		
SMBR Representative Comments	5:			
I approve the requested change.		I disapprove the requested chan	ge.	
(SAME)		THE REAL PROPERTY.		_
Director, SMBR	Date:	Director, SMBR	Date:	
SMBR Director Comments:				

Contract Close Out



MBE/WBE CONTRACT COMPLIANCE CLOSE-OUT REPORT (To be completed by Consultant/Contractor)

Project Name:				
Solicitation No.:		Contr	act No.:	
Consultant/Contractor Name:	:			
Project Mgr/Contract Admin.:				
Consultant/Contractor is:	■Non-MBE/WBE	МВЕ	□WBE	☐MBE/WBE Joint Venture
MBE/WBE Consultant/Contra	ctor: Ethnicity Co	ode: 🗆 AF	RICAN A	MERICAN HISPANIC
		□ AS	SIAN/NA	TIVE AMERICAN WHITE
	Gender Cod	e: DFE	MALE 0	MALE

Original Contract &	Approved	Final Total	Actual Amount	Retainage
Compliance Plan	Changes		Paid	
Contract Amt \$	\$	\$	\$	\$
MBE/WBE Amts				
MBE \$(%)	\$	\$(%)	\$	\$
If ethnic-specific:				
African-Am \$ (%)	\$	\$(%)	\$	\$
Hispanic \$(%)	\$	\$(%)	\$	\$
NatIve-Am \$(%)	\$	\$(%)	\$	\$
Asian-Am \$(%)	\$	\$(%)	\$	\$

Part 2: Consultant/Contractor Participation

If contractor/consultant is a MBE or WBE, contractor/consultant participation, minus any amount subcontracted

Original Compliance Plan	Approved Changes	Final Total
\$(%)	\$	\$(%)

Part 3: Subcontractor Participation (Duplicate as needed.)

MBE/WBE CLOSE-OUT FORM 1 02/2010-FS

Part 4: Affidavit
MBEWBE CLOSE-OUT FORM 2 02/2010-FS
The above information is true and complete to the best of my knowledge and belief.
Name and Title (Print):
SIGNATURE: DATE:
STATE OF
COUNTY OF
On the day of 20, personally appeared
and having been duly sworn by me, subscribed to the foregoing affidavit and has stated that the facts stated therein are true and correct.
Notary Public
Printed Name of Notary
Princed Name of Notary
For City of Austin use only:
Did any violations occur on the project?
one any violations occasi on the project.
Did the Contractor/Consultant meet the Post-Award Requirements of the MBE/WBE Procurement Program? YES NO
Project May (Contract Administrator Accessed Date
Project Mgr./Contract Administrator Approval Date
SMBR Representative Approval Date

SMBR Director Approval

Program Violations

- Providing false or misleading information
- Making changes without SMBR approval
 - Adding New Subcontractors all tiers
- Deleting Approved
 - Without due notice
 - Without opportunity to cure performance issues
 - Contract changes (decreases, adding \$\$ for new scope to existing sub w/o performing GFE)
- Failing to meet contractual goals or subgoals without justification
- Bid Shopping

SMBR CAN HELP!

We want to partner with you to avoid violations!

 Contact your SMBR representative directly with questions on all forms required;

 or contact us at <u>SMBRComplianceDocuments@austintexas.gov</u>

Performance or payment issues? We can help!